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REMARKS

Applicants thank the Examiner for the thorough examination of the application. No new matter is believed to be added to the application by this amendment.

Withdrawal of Rejections

The Examiner has withdrawn the rejection of claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Nozaki (U.S. Patent No. 6,396,998), of claims 4-7 under 35 U.S.C. § 103(a) as being unpatentable over Nozaki in view of Chung (U.S. Patent No. 6,389,569), and of claims 15-20 under 35 U.S.C. § 103(a) as being unpatentable over Nozaki further in view of Yen (U.S. Patent No. 6,381,694). The Examiner has additionally performed further consideration and search as indicated by the new rejections and the PTO-892 forms appended to the Office Action of August 27, 2003.

The application is accordingly under non-final rejection.

Status of the Claims

Claims 1-20 are pending in the present application. Claims 1, 4, 8, 13 and 15 are independent claims. Claims 1 and 4 have been amended to improve their language without reducing their scope.

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Objection to the Drawings

The Examiner objects to the proposed correction of Fig. 9B as containing an improper removal of the legend "Conventional Art.." However, the removal of this legend constitutes a correction of a typographical error that occurred when the application was transliterated into English.

The true intent of the inventors that Fig 9B should illustrate the invention can be ascertained from the location of the discussion of Fig. 9B being located in the Detailed Description section of the specification. The substitute specification at page 12, lines 30-32 states: "FIG. 8 is a simplified block diagram of a personal computer which the filed management *according to the present invention* . . ." (Emphasis added) After a brief discussion of the operating system, the specification relates Fig. 9B to inventive Fig 8 at page 13, lines 12-15: "In the meantime, all information about files recorded in the rewritable DVD 1 is written in the hierarchically-structured tables shown in FIGS. 4A, 9A, and 9B."

As a result, the specification clearly shows that Fig. 9B relates to an embodiment of the invention. Thus the removal of the legend "Conventional Art" is proper.

Claim Objections

The Examiner objects to claims 1-7 and asserts that the use of the phrase "and/or" in claims 1 and 4 renders these claims indefinite.

Claims 1 and 4 have been amended to recite limitations in the proper alternative phraseology.

Rejections Based on Yamauchi

Claims 1 and 3 are rejected under 35 U.S.C. §102(e) as being anticipated by Yamauchi (U.S. Patent 6,047,103). Claim 2 is rejected under 35 U.S.C. §103(a) as being obvious over the combination of Yamauchi and Sandifer (U.S. Patent 5,778,381). Applicants traverse.

The present invention pertains to a novel file management method that determines if a file name and/or directory change will render impossible the reproduction of real-time data files in a disk-recording medium such as a DVD. The present invention is typified by claim 1, which sets forth:

> 1. A file managing method in reproducing a rewritable disk, comprising the steps of:
>   (a) checking the file names, directories, or names and directories of files written in the rewritable disk; and
>   (b) providing a message indicating that reproduction is impossible when the file names, directories, or names and directories are against a standard file scheme pre-specified for a disk containing real-time data.

Yamauchi pertains to a data transmitting method capable of performing copyright protection processing. The Examiner turns to column 14, lines 5-40

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of Yamauchi, which describes establishing a file name and "by interpreting the file name rule, it is possible to judge whether or not the file to be read is an AV data file." Yamauchi at column 14, lines 23-25. The Examiner then turns to column 20, lines 55-65 of Yamauchi, which describes a beeper sounding when the controller judges the specified file not to be an AV file.

Yamauchi, that is, pertains to a filtering method to decide "whether or not the data receiving device is a proper data receiving device." See Abstract of Yamauchi. The invention, in contrast, is directed at checking a file structure with a standard file system pre-specified for a disk containing a real-time data stream, and correcting the file structure if the file structure does not conform to the standard file system. In other words, the invention is directed at the inclusion of off-format data while, in contrast, Yamauchi is directed at the exclusion of tagged copyrighted material.

As a result, Yamauchi clearly fails to anticipate or suggest the invention as embodied in claim 1. Claims dependent upon claim 1 are patentable for at least the above reasons.

The Examiner then turns to Sandifer for teachings pertaining to how the reason why the reproduction is impossible is contained in the message. Sandifer, however, fails to address the inability of Yamauchi to disclose or suggest the invention. A *prima facie* case obviousness has thus not been made over the combination of Yamauchi and Sandifer.

These rejections are accordingly overcome and withdrawal thereof is respectfully requested.

Rejections Based on Yamada

Claim 4 is rejected under 35 U.S.C. §102(e) as being anticipated by Yamada (U.S. Patent 6,490,683). Claims 5 and 6 are rejected under 35 U.S.C. §103(a) as being obvious over the combination of Yamada and Sinquin (U.S. Patent 6,425,098). Claim 7 is rejected under 35 U.S.C. §103(a) as being obvious over the combination of Yamada, Sinquin and Sandifer. Applicants traverse.

The present invention pertains to a novel file management method that determines if a file name and/or directory change will render impossible the reproduction of real-time data files in a disk-recording medium having a standard file scheme, such as a DVD. The present invention is typified by claim 4, which sets forth:

> 4. A file managing method in recording a data stream in a rewritable disk, comprising the steps of:
> (a) checking a file name, directory, or name and directory of the file requested to be recorded in the rewritable disk; and
> (b) providing a message indicating that reproduction would fail later if recorded as requested when the file name, directory, or name and directory is against a standard file scheme pre-specified for a disk containing real-time data file.

Yamada pertains to an optical disk having an electronic watermark reproducing apparatus and a copy protecting method. The Examiner turns to

columns 19 and 20 of Yamada, which discusses electronic data watermark data formed in the electronic watermark pattern forming process. Yamada at column 21 lines 11-12 states "an error message indicating the data is copied dishonestly or dishonestly renewed."

Yamada fails to disclose or suggest checking a file name and/or directory for a file requested to be recorded on an optical disk, followed by sending a message that the reproduction would fail if is against a standard file scheme pre-specified for a disk containing real-time data file.

The Applicants invention is directed at checking a file structure with a standard file system pre-specified for a disk containing a real-time data stream, and sending a message to correct the file structure if the file structure does not conform to the standard file system. In other words, the invention is directed at the inclusion of off-format data while, in contrast, Yamada is directed at the exclusion of tagged "watermarked" material.

Yamada, as a result, fails to anticipate or suggest independent claim 4. Claims dependent upon claim 4 are patentable for at least the above reasons.

The Examiner then turns to Sinquin to allege teachings pertaining to recording or deleting received data if requested. The Examiner turns to Sandifer to allege that this reference discloses that the message gives the reason why the reproduction is impossible. However, neither Sinquin nor Sandifer address the deficiencies of Yamada in suggesting a claimed

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embodiment of the invention. A *prima facie* case of obviousness has thus not been made over the combination of Yamada and the secondary references.

These rejections are accordingly overcome and withdrawal thereof is respectfully requested.

Rejections Based on Bills

Claim 8 is rejected under 35 U.S.C. §102(e) as being anticipated by Bills (U.S. Patent 6,330,571). Claims 9-11 are rejected under 35 U.S.C. §103(a) as being obvious over Bills in view of Sinquin. Claim 12 is rejected under U.S.C. §103(a) as being obvious over Bills in view of the Applicants' disclosure. Applicants traverse.

Independent claim 8 sets forth a method of checking and providing a message as follows:

> 8. A method conducted in a computer for managing files written in a rewritable disk, comprising the steps of:
>   (a) checking the file type if the file is requested to be renamed or moved; and
>   (b) providing a message indicating that disk reproduction would be impossible after the file is renamed or moved, if the file type is one among pre-specified file types.

Bills pertains to a method for datalink path protection. The Examiner typically turns to column 3, lines 10, which describes "checking the datalink indicator." The Examiner then alleges that column 10, lines 35-45 pertains to providing a message indicating that disk reproduction would be impossible

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after the file is renamed or moved, if the file type is one among pre-specified file types. This passage, however, pertains to the logic of using the datalink indicator shown in Fig. 6 of Bills, and not to providing a message that disc reproduction would be impossible.

As a result, Bills clearly fails to anticipate or suggest the invention as is set forth in claim 8. Claims dependent upon claim 8 are patentable for at least the above reasons.

Sinquin fails to address the deficiencies of Bills. The Applicants' disclosure, if it could be used, also fails to address the deficiencies of Bills. However, the Applicants respectfully note that using the applicants' disclosure to allege prior art without an admission of prior art has been held to be improper. Riverwood International Corp. v. Jones & Co., Ltd., 324 F.3d 1346, 66 USPQ2d 1331 (Fed. Cir. 2003). As a result, adding Sinquin or the Applicants' disclosure to Bills each fails to allege *prima facie* obviousness.

These rejections are accordingly overcome and withdrawal thereof is respectfully requested.

Rejections Based on Sinquin

Claims 15 and 18-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Sinquin. Claim 16 is rejected under 35 U.S.C. §103(a) as being obvious over the combination of Sinquin and Bills. Claim 17 is rejected under

35 U.S.C. 103(a) as being obvious over the combination of Sinquin and

Yamauchi. Applicants traverse.

The present invention pertains to managing data on a rewritable disk.

The invention embodied in independent claim 15 sets forth:

> 15. A file managing method in recording data stream in a rewritable disk, comprising the steps of:
>   (a) checking whether or not a file structure formed in the rewritable disk conforms to a standard file system pre-specified for a disk containing real-time data stream;
>   (b) correcting the file structure of the rewritable disk if the file structure is against the standard file system; and
>   (c) writing input data stream in a data file belonging to the corrected file structure.

Sinquin pertains to the prevention of disk piracy. The Examiner turns

to column 3 of Sinquin, which pertains to intentionally introduced errors.

Sinquin at column 3, lines 26-28 discloses: "using recoverable errors

introduced in the original recording medium to cause more serious,

unrecoverable faults to be generated in the copy."

Sinquin fails to disclose or suggest "correcting the file structure of the

rewritable disk if the file structure is against the standard file system," as is set

forth in claim 15. Claims dependent upon claim 15 are patentable for at least

the above reasons.

Sinquin, that is, teaches the introduction of errors to prevent piracy.

This clearly teaches away from the invention, which is directed at correcting file

structure. Sinquin accordingly cannot be utilized as the basis to allege *prima*

facie obviousness. The addition of the secondary references of Bills and

Yamauchi fail to address the deficiencies of Sinquin.

These rejections are accordingly overcome and withdrawal thereof is respectfully requested.

Rejections based on Chen

Claim 13 is rejected under 35 U.S.C. §103(a) as being obvious over Chen (U.S. Patent 5,960,170) in view of Bills. The Examiner adds the teachings of Sinquin to reject claim 14. Applicants traverse.

The present invention pertains to a method of managing files on a rewritable disc. Independent claim 13 sets forth:

13. A method conducted in a computer for managing files written in a rewritable disk, comprising the steps of:
(a) checking the types of all files under a directory if the directory is requested to be renamed; and
(b) providing a message indicating that disk reproduction would be impossible after the directory is renamed, if the type of at least a file under the directory is one among pre-specified file types.

Chen pertains to virus protection. The Examiner utilizes column 18, lines 5-25, which describes inspecting file headers to determine if the file is likely to contain a virus. Chen fails to disclose "checking the types of all files under a directory if the directory is requested to be renamed," as is set forth in independent claim 13. The Examiner admits to this deficiency at page 13, lines 9-10 of the Office Action.

Further, Chen is directed at a fundamentally different object: virus detection. A person having ordinary skill would have no motivation to use any

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of the teachings of Chen for developing a file managing method, such as is set forth in claim 13.

The Examiner then alleges that Bills discloses *inter alia* providing a message. The failure of Bills to disclose or suggest this feature has been discussed above. As a result, a person having ordinary skill would not be motivated by Chen and Bills to produce the invention as embodied in claim 13. The addition of the teachings of Sinquin (the deficiencies of which have been discussed above) fails to address the deficiencies of Chen and Bills. A *prima facie* case of obviousness has thus not been made over Chen and Bills or Chen, Bills and Sinquin.

These rejections are accordingly overcome and withdrawal thereof is respectfully requested.

Prior Art Cited But Not Used By The Examiner

The prior art cited but not used by the Examiner show the status of the conventional art that the invention supercedes. No additional remarks are accordingly necessary.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and

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withdraw all of the objections and rejections of record, and earnestly solicit an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Registration No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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